

application claims priority, is prior to the filing dates of Hlebovy and Tamura. The Office Action asserts, however, that Applicants must perfect the foreign language priority of PCT/JP95/02474 by submitting a certified English language translation thereof in order to define over the rejections applying Hlebovy and Tamura. Applicants respectfully traverse this assertion.

Under 35 U.S.C. §371(c)(2), to commence U.S. national stage prosecution of a PCT application originally filed in another language, the Applicants must file a copy of the international application and a translation into the English language of the international application. This translation cannot incorporate new matter, as set forth in MPEP §1893.01(d), because the U.S. national stage application is considered to be the same application as the originally filed PCT application. Hence, no certification of the translation is required to perfect the claim of priority back to the PCT filing date.

However, in order to further the prosecution of the pending application, Applicants have certified the as filed translation per the attached Appendix. Applicants note that certification is not required, but are merely providing the certification in order to further the prosecution of the pending application. Withdrawal of the prior art rejections is earnestly solicited.

Rejoinder Of Claims 3, 4, 10-13, 24, 25, 29-31, 36, and 41-57

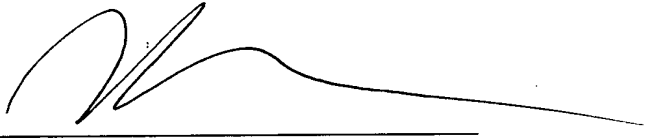
As claims 3, 4, 10-13, 24, 25, 29-31, 36 and 41-57 are all dependent upon claims now considered to be allowable, rejoinder of these claims is earnestly solicited.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By 

Date February 19, 2003

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.



Atty. Dkt. No. 063993-0108

APPENDIX

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